



4/26/06

FINAL PASSAGE

SB 1039 (McManus)

Senate Bill 1039 would amend the Streamlined Sales and Use Tax Revenue Equalization Act to allow a nonprofit organization that sold an item at a charitable auction to claim a tax refund of 6% of the proceeds of the item over its fair market value. Specifically, the bill would permit a qualified person who paid a tax under the General Sales Tax Act to calculate a credit and seek a refund from the Department of Treasury equal to 6% of the proceeds of a qualified sale of an auctioned item in excess of its gross fair market value.

- *SB 1039 was moved to 3rd Reading of Bills [no amendments].*
- **McManus 1 was adopted [no RC].**
- **SB 1039 passed [RC 261: 36 yes, 0 no].**

HB 5154 (Palmer)

House Bill 5154 would amend the Airport Parking Tax Act to allow revenue distributed from the Airport Parking Fund to the State Aeronautics Fund to be used for safety and security projects at State airports that did not receive Federal funding. The Act requires the State Treasurer to distribute \$6.0 million per fiscal year from the Airport Parking Fund to the State Aeronautics Fund. That revenue may be used only for safety and security projects at State airports, including reimbursement to the Comprehensive Transportation Fund for payment of bonds issued on or before December 31, 2007, by the State Transportation Commission under Section 18b of the Michigan Transportation Fund law (which allows the Commission to borrow money and issue notes or bonds for certain purposes), to provide State matching funds for Federal funds to be used for safety and security at State airports.

- *HB 5154 was moved to 3rd Reading of Bills [no amendments].*
- **HB 5154 passed with IE [RC 262: 36 yes, 0 no].**

THIRD READING OF BILLS

SB 465 (Jacobs)

Senate Bill 465 would amend the Public Health Code to do the following: Require an individual licensed under the Code to maintain a record for each patient (as currently required of a health facility or agency). Require the records maintained by a licensee or a health facility or agency to be kept for at least seven years, or longer if required by law or generally accepted standards of medical practice. Require a licensee or a health facility or agency that was unable to comply with the record maintenance requirements to contract with another provider or entity to do so. Require a licensee, facility, or agency, upon ceasing to practice or operate, to notify patients and the Department of Community Health (DCH) and either transfer or destroy medical records as specified. Allow a licensee, facility, or provider to destroy a record that was less than seven years old if the patient were notified and given the opportunity to request a copy of the record before it was destroyed. Establish a maximum \$10,000 administrative fine for a person who failed to comply with the record maintenance and disposal requirements if the failure were the result of gross negligence or willful and wanton misconduct. Require a licensee and an applicant for licensure to give the DCH an affidavit concerning their maintenance of medical records.

- Committee S-1 was not adopted.
- Jacobs S-2 was adopted.
- SB 465 was moved to 3rd Reading of Bills.

SB 466 (Patterson)

Senate Bill 466 would amend the Social Welfare Act to increase from six to seven years the length of time a provider must retain the health care records of an individual enrolled in Medicaid; and prescribe standards for the disposal of a Medicaid patient's medical records. Under the Act, a Medicaid provider must maintain records necessary to document the extent and cost of services, supplies, or equipment provided to a medically indigent individual and to substantiate each claim, as well as the medical necessity, appropriateness, and quality of service rendered for which a claim is made. The provider must retain each record for six years after the date of service. The bill would increase that period to seven years. Under the bill, if a provider were authorized to dispose of patient records or other patient identifying information, the provider would have to ensure that records that identified a patient and other individually identifying information sufficiently were deleted, shredded, incinerated, or disposed of in a fashion that would protect the confidentiality of the patient's health care information and personal information.

- Committee S-2 was adopted.
- SB 466 was moved to 3rd Reading of Bills.

SB 467 (George)

Senate Bill 467 would amend the Public Health Code to provide for the confidentiality of information regarding genetic testing performed on an individual; restrict the disclosure of such information; and authorize sanctions to be imposed on a person who violated the bill's provisions. Under the bill, the fact that a presymptomatic or predictive genetic test had been

ordered and conducted and the results of that test would be privileged and confidential. All reports, records, and data pertaining to genetic testing or other genetic information also would be privileged and confidential. Except as otherwise provided by law, a person or health facility or agency could not disclose that a test had been ordered or conducted, or the test results, for purposes other than treatment, payment, or health care operations as provided under the Health Insurance Portability and Accountability Act (HIPAA), without first obtaining written authorization from the test subject or his or her legally authorized representative.

- Committee S-1 was adopted.
- SB 467 was moved to 3rd Reading of Bills.

SB 468 (Cherry)

Senate Bill 468 would amend the Freedom of Information Act to allow a public body to exempt from disclosure protected health information.

- SB 468 was moved to 3rd Reading of Bills [no amendments].

HB 4423 (Wojno)

House Bill 4423 would make it an unfair or deceptive act or practice for a telephone solicitor to misrepresent—in a message left for a consumer on an answering machine or voice mail—that the consumer had a current business matter or transaction, or a current business or customer relationship, and request that the consumer call the telephone solicitor (or another person) to discuss that matter, transaction, or relationship. The aim of the bill is to protect consumers from a deceptive practice where a telemarketer pretends to have an existing business relationship with the party being called and urges the person to call back to address an important matter. Some consumers have difficulty, when faced with such calls, distinguishing between a telemarketing call and an urgent personal or business matter. The bill puts this practice on the list of unfair and deceptive practices in the law governing telephone solicitations. Such calls go beyond being an annoyance; in some cases they can produce fear and stress. Critics have cited examples when individuals have thought a personal emergency was involved or thought problems with a bank or credit card account could be the result of identity theft.

- HB 4423 was moved to 3rd Reading of Bills [no amendments].

HB 4976 (Mayes)

House Bill 4976 would fill a void in current law by permitting all types of depository financial institutions to suspend business operations in the event of an emergency. The law now provides for such suspensions only for banks and savings and loan associations. In addition, the definition of emergency in the current law does not include fuel shortage or terrorist activity. Adding such events better reflects the realities in the 21st Century.

- HB 4976 was moved to 3rd Reading of Bills [no amendments].

HB 5811 (Huizenga)

House Bill 5811 would amend the Home Solicitation Sales Act to provide an exemption for alternative gas suppliers or alternative electric suppliers from a section that requires a buyer's signature to a written agreement or offer to purchase and that designates the date the buyer actually signs as the date of the transaction.

- **HB 5811 was moved to 3rd Reading of Bills [no amendments].**

RESOLUTIONS

HCR 15 (Stahl)

A concurrent resolution to request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices.

- **Previous Question was ordered [RC 267: 21 yes, 16 no].**
- **Schauer 1 was adopted [RC 268: 37 yes, 0 no].**
- **HCR 15 was adopted [RC 269: 37 yes, 0 no].**

SR 61 (Emerson)

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices.

- **Gilbert 1 was adopted (asks Gov. to investigate what state can do and directs her to instruct the DEQ to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers also asks the Governor to divest state investments in oil companies that she feels have made unseemly profits). [RC 263: 32 yes, 5 no].**
- **SR 61 was passed [RC 264: 34 yes, 3 no].**

SR 108 (Kuipers)

A resolution to memorialize the United States Congress to add social studies to the testing requirements of the No Child Left Behind Act of 2001.

- **HR 108 passed [no RC].**

SR 123 (Whitmer)

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices and to call on the Governor of the State of Michigan to investigate potential effects of state government policies that may add to the price of gasoline in Michigan also asks the Governor to investigate why it took more than a year and a

half for her administration to utilize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner.

- Sikkema 1 was adopted [RC 265: 31 yes, 6 no].
- SR 123 was passed [RC 266: 35 yes, 2 no].